

BATHAE DUNNE LLP

Yavar Bathae (CA 282388)
yavar@bathaeedunne.com
Andrew C. Wolinsky (CA 45965)
awolinsky@bathaeedunne.com
445 Park Avenue, 9th Floor
New York, NY 10022
Tel.: (332) 322-8835

Brian J. Dunne (CA 275689)
bdunne@bathaeedunne.com
Edward M. Grauman (*pro hac vice*)
egrauman@bathaeedunne.com
901 South MoPac Expressway
Barton Oaks Plaza I, Suite 300
Austin, TX 78746
Tel.: (213) 462-2772

*Interim Co-Lead Counsel for the
Advertiser Classes*

SCOTT+SCOTT ATTORNEYS AT LAW LLP

Amanda F. Lawrence (*pro hac vice*)
alawrence@scott-scott.com
Patrick J. McGahan (*pro hac vice*)
pmcgahan@scott-scott.com
Michael P. Srodoski (*pro hac vice*)
msrodoski@scott-scott.com
156 South Main Street, P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537

Patrick J. Coughlin (CA 111070)
pcoughlin@scott-scott.com
Carmen A. Medici (CA 248417)
cmedici@scott-scott.com
Hal D. Cunningham (CA 243048)
hcunningham@scott-scott.com
Daniel J. Brockwell (CA 335983)
dbrockwell@scott-scott.com
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel.: (619) 233-4565

[Additional counsel on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAXIMILIAN KLEIN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Consolidated Case No. 3:20-cv-08570-JD

The Hon. James Donato

**ADVERTISER PLAINTIFFS' REQUEST
FOR ADMINISTRATIVE RELIEF TO
CONSIDER ADVERTISER PLAINTIFFS'
CORRECTED REPLY IN SUPPORT OF
THEIR MOTION FOR CLASS
CERTIFICATION**

Pursuant to Civil Local Rule 7-11, Advertiser Plaintiffs Affilious, Inc., Jessyca Frederick, Mark Berney, 406 Property Services, PLLC, Mark Young, and Katherine Looper (“Advertiser Plaintiffs”) submit this administrative request that the Court consider the corrected Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification, filed at ECF No. 700, in place of the original Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification, which was filed in error at ECF No. 689.

BASIS FOR REQUESTED RELIEF

Advertiser Plaintiffs conferred with Defendant Meta, who takes no position as to this Request for Administrative Relief. *See* Supporting Declaration of Amanda F. Lawrence, filed concurrently herewith (“Lawrence Decl.”), ¶2.

This Request for Administrative Relief is based on the following:

1. Advertiser Plaintiffs’ Motion for Class Certification (ECF No. 642) (the “Motion”) will be heard December 14, 2023 at 10:00 a.m. PT.

2. Pursuant to the operative scheduling order, Advertiser Plaintiffs’ reply brief in support of the Motion was due Friday, November 3, 2023. *See* ECF No. 379.

3. On Friday, November 3, 2023, Advertiser Plaintiffs timely filed their original Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification. *See* ECF No. 689.

4. However, due to human error in the version control process, an incorrect version of Advertiser Plaintiffs’ Reply in Support of Their Motion for Class Certification was filed at ECF No. 689. Lawrence Decl., ¶3.

5. Advertiser Plaintiffs discovered this error early in the morning of Saturday, November 4, 2023. Lawrence Decl., ¶4.

6. Advertiser Plaintiffs immediately and diligently took action to rectify the filing error, including by informing Meta of the error and providing Meta with the correct version of the Motion and a redline to the erroneously-filed version, shortly after 10:00 a.m. PT on Saturday, November 4, 2023. Lawrence Decl., ¶5.

7. Advertiser Plaintiffs then filed the correct version of the Motion shortly after 11:00

1 a.m. PT on Saturday, November 4, 2023. Lawrence Decl., ¶6.

2 8. Advertiser Plaintiffs ask that, for purposes of deciding Advertisers' Motion for Class
3 Certification, the Court consider the corrected Reply in Support of Their Motion for Class
4 Certification, ECF No. 700, in place of the erroneously-filed Reply in Support of Their Motion for
5 Class Certification, ECF No. 689.

6 9. Good cause exists for the Court to grant the relief sought by Advertiser Plaintiffs. The
7 record demonstrates that ECF No. 689 was filed erroneously due to inadvertent error and Advertiser
8 Plaintiffs worked diligently to remedy the error shortly after it was made.

9 Further, Defendant Meta was not prejudiced by the late filing. Given that ECF Nos. 689 and
10 700 are reply briefs, this Court's Standing Order for Civil Cases Before Judge James Donato applies.
11 The Standing Order provides that Meta is not permitted a sur-reply, and the class certification hearing
12 is not schedule to occur until December 14, 2023. *Id.*, ¶15. Meta was thus not prejudiced procedurally
13 by its receipt of the corrected Reply 10 hours after the due date.

14
15 Dated: November 15, 2023

Respectfully submitted,

16 **BATHAE DUNNE LLP**

**SCOTT+SCOTT
ATTORNEYS AT LAW LLP**

17
18 /s/ Yavar Bathaee

/s/ Amanda F. Lawrence

19 Yavar Bathaee (CA 282388)
yavar@bathaeedunne.com
Andrew C. Wolinsky (*pro hac vice*)
20 awolinsky@bathaeedunne.com
Adam Ernette (*pro hac vice*)
21 aernette@bathaeedunne.com
Priscilla Ghita (*pro hac vice*)
22 pghita@bathaeedunne.com
Chang Hahn (*pro hac vice*)
23 chahn@bathaeedunne.com
445 Park Avenue, 9th Floor
24 New York, NY 10022
25 Tel.: (332) 322-8835

Amanda F. Lawrence (*pro hac vice*)
alawrence@scott-scott.com
Patrick J. McGahan (*pro hac vice*)
pmcgahan@scott-scott.com
Michael P. Srodoski (*pro hac vice*)
msrodoski@scott-scott.com
156 South Main Street, P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537

26 Brian J. Dunne (CA 275689)
bdunne@bathaeedunne.com
27 Edward M. Grauman (*pro hac vice*)
28 egrauman@bathaeedunne.com

Patrick J. Coughlin (CA 111070)
pcoughlin@scott-scott.com
Carmen A. Medici (CA 248417)
cmedici@scott-scott.com
Hal D. Cunningham (CA 243048)
hcunningham@scott-scott.com
Daniel J. Brockwell (CA 335983)

1 Andrew M. Williamson (CA 344695)
awilliamson@bathaeedunne.com
2 901 South MoPac Expressway
Barton Oaks Plaza I, Suite 300
3 Austin, TX 78746
Tel.: (213) 462-2772

4
5 Allison Watson Cross (CA 328596)
across@bathaeedunne.com
6 3420 Bristol St., Ste 600
Costa Mesa, CA 92626-7133

7 *Interim Co-Lead Counsel for the*
8 *Advertiser Classes*

9 **LEVIN SEDRAN & BERMAN LLP**

10 Keith J. Verrier (*pro hac vice*)
kverrier@lfsblaw.com
11 Austin B. Cohen (*pro hac vice*)
acohen@lfsblaw.com
12 510 Walnut Street, Suite 500
13 Philadelphia, PA 19106-3997
Tel.: (215) 592-1500
14 Fax: (215) 592-4663

15 *Members of Executive Committee for the*
16 *Advertiser Classes*

dbrockwell@scott-scott.com
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel.: (619) 233-4565

Patrick J. Rodriguez (*pro hac vice*)
prodriguez@scott-scott.com
230 Park Avenue, 17th Floor
New York, NY 10169
Tel.: (212) 223-6444

Interim Co-Lead Counsel for the
Advertiser Classes

AHDOOT & WOLFSON, PC

Tina Wolfson (CA 174806)
twolfson@ahdootwolfson.com
Robert Ahdoot (CA 172098)
rahdoot@ahdootwolfson.com
Theodore W. Maya (CA 223242)
tmaya@ahdootwolfson.com
Henry J. Kelson (*pro hac vice*)
hkelston@ahdootwolfson.com
2600 West Olive Avenue, Suite 500
Burbank, CA 91505
Tel.: (310) 474-9111
Fax: (310) 474-8585

Members of Executive Committee for the
Advertiser Classes

FILER ATTESTATION

I am the ECF user who is filing this document. Pursuant to Civil L.R. 5-1(h)(3), I hereby attest that each of the other signatories have concurred in the filing of the document.

Dated: November 15, 2023

By: /s/Amanda F. Lawrence
Amanda F. Lawrence

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2023, I caused a true and correct copy of the foregoing document to be served by electronic mail on all counsel of record.

Dated: November 15, 2023

By: /s/Amanda F. Lawrence
Amanda F. Lawrence